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Row 1: 90/015,831, 12/24/2025, 9615192, 8842-16324-US, 1506

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EXAMINER

REICHL, KARIN M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/015,831 .

PATENT UNDER REEXAMINATION 9615192 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Headwater Research LLC
Ex. 2009, IPR2026-00088

Page 2 of 46

Order Granting Request For Ex Parte Reexamination	Control No. 90/015,831	Patent Under Reexamination 9615192	
	Examiner Karin M Reichle	Art Unit 3992	AIA (FITF) Status No

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed 12/24/2025 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO/SB/08, c) Other: _____

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

/Karin Reichle/
Primary Examiner, Art Unit 3992

cc:Requester (if third party requester)

DECISION ON REQUEST FOR *EX PARTE* REEXAMINATION

Third Party Requester, Walmart Inc., submitted a request for reexamination of claims 1-15 of US Patent No. 9,615,192 (hereinafter also referred to as ‘192 or Raleigh or Raleigh ‘192) on December 24, 2025. A substantial new question of patentability affecting claims 1-20 of US Patent No. 9,615,192 is raised by the request for *ex parte* reexamination. Accordingly, claims 1-15 of US Patent No. 9,615,192 will be reexamined.

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to “an applicant” and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings “will be conducted with special dispatch” (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Notification of Concurrent Proceedings

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving US Patent No. 9,615,192 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Amendment in Reexamination Proceedings

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally

presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c).

Submissions

In order to insure full consideration of any amendments, affidavits or declarations or other documents as evidence of patentability, such documents must be submitted in response to the first Office action on the merits (which does not result in a close of prosecution). Submissions after the second Office action on the merits, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and by 37 CFR 41.33 after appeal, which will be strictly enforced.

Waiver of Right to File Patent Owner Statement

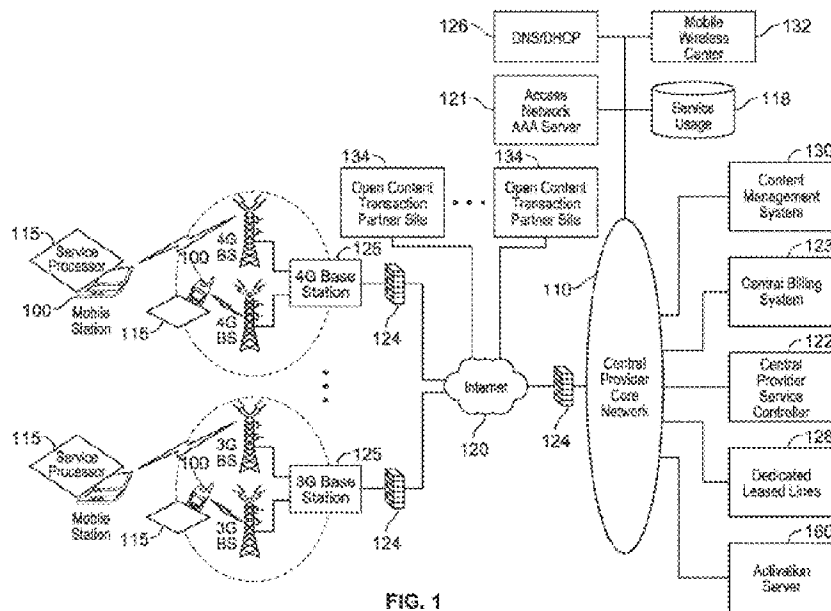
In a reexamination proceeding, Patent Owner may waive the right under 37 C.F.R. 1.530 to file a Patent Owner Statement. The document needs to contain a statement that Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement and proof of service in the manner provided by 37 C.F.R. 1.248, if the request for reexamination was made by a third party requester, see 37 C.F.R. 1.550(f).

Patent Owner **did not waive** the right under 37 C.F.R. 1.530 to file a Patent Owner Statement.

Service of Papers

After filing of a request for *ex parte* reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

Brief Overview of the '192 Patent



The '192 Patent describes a “message link server” which “maintains secure message links with device link agents on each of a plurality of wireless end-user devices.” Abstract. The message link server uses a message buffering system to store messages from network elements until one of several triggers occur, such that messages, other than those which have time-critical

messaging needs, may be buffered until the occurrence of a trigger other than the receipt of that message by the server. *Id.* See also 69:16-71:30, 37:65-39:19. As illustrated in Fig. 1 above, end-user wireless devices such as laptop computers or mobile phones, 100, “Mobile Station”, may connect to a central provider network 110 through the internet 120. This network is capable of communicating with 3G and 4G devices, and the service controller 122 manages services for both sets of devices. 12:13-59. The service controller 122 can control each of these end-user devices with a consistent service experience, for example, using different service profiles, service capabilities, and service profile cost options depending on which network the device is connected to and/or other criteria. 25:60-65. Figure 16 below illustrates a typical end-user device 100, such as a laptop or mobile phone, in communication with a network:

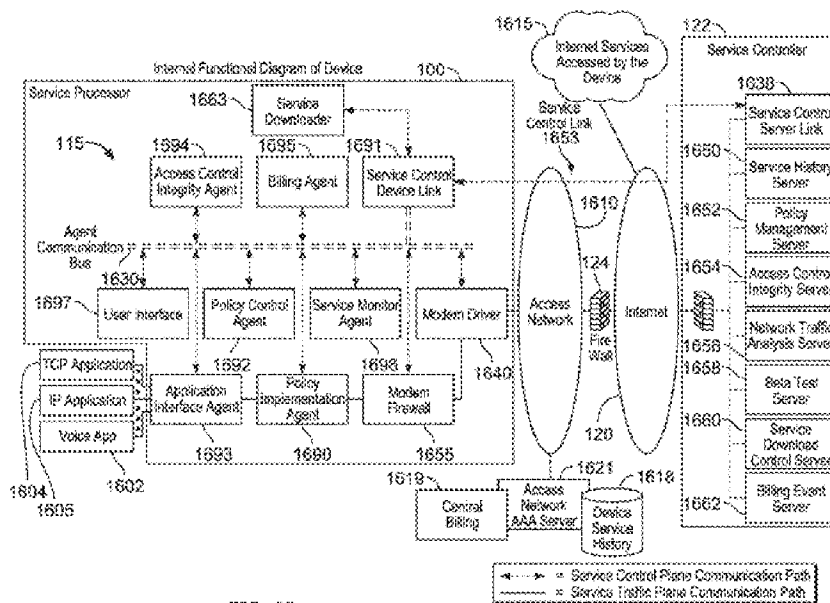
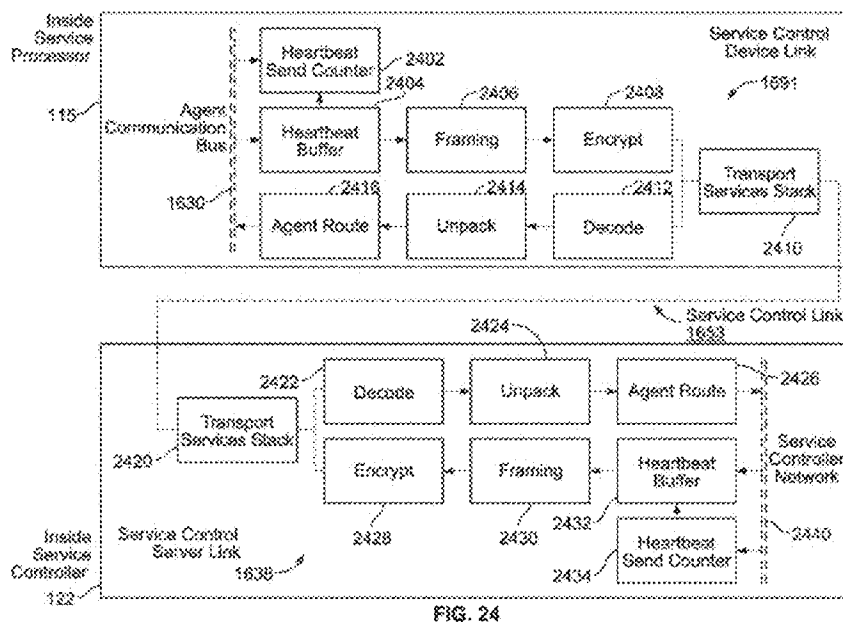


FIG. 16

The service processor 115 includes a Service Control Device Link 1691 of the end-user device 100 that links to a Service Control Server Link 1638 of the service controller 122 through

a Service Control Link 1653. 69:16-71:30 (e.g., "... As another example, the service control server link 1638 can perform collection or buffering of server messages between transmissions. As another example, the service control server link 1638 can determine when to transmit based potentially on several parameters, such as one or more of: periodic timer trigger, waiting until a certain amount of service usage or traffic usage has occurred, responding to a service agent message, responding to a service agent request, initiated by one or more servers, initiated by a verification error condition, and/or initiated by some other error condition. For example, once a transmission trigger has occurred, the service control server link 1638 can take all buffered agent communications and frame the communications. In addition, the service control server link 1638 can provide for an efficient communication link based on various embodiments related to the timing of transmissions over the service control link, as similarly discussed above with respect to the service control device link 1691 description. For example, the timing functions, such as asynchronous messages or polling for messages, constant frequency transmission, transmission based on how much service usage or data traffic usage has taken place, transmission in response to device side control link message, service verification error events, other error events, and/or other message transmission trigger criteria can be determined, controlled and/or initiated by either the device side or the network side depending on the embodiment..."), 37:26-42:58. (e.g. 37:65-39:19, i.e. "In some embodiments, the transmission trigger is based ... a transmission generated by some other asynchronous event with time critical service processor 115 (or service controller 122) messaging needs, such as a transaction or service billing event or a user request. ... In some embodiments, the service usage or service activity trigger occurs based on some other measure than traffic usage, such as a number of messages transacted, one or more billing events, number of files downloaded, number of applications run or time that an application has

been running, usage of one or more specified applications, GPS coordinate changes, roaming event, an event related to another network connection to the device and/or other service related measures.”). The service controller 122 includes multiple servers (e.g., 1650, 1652, 1654, 1656, 1662), all of which are coupled to the service control server link 1638. Fig. 16. The service control device link 1691 of the end-user device 100 is coupled to multiple device agents (e.g., 1697, 1695). 38:25-57:59. Shown below is the end-user device's service processor 115 linked to the service controller 122 of the network server via one or more layers of encryption. 70:31-45, 89:11-91:50.



The service controller 122 includes a Transport Services Stack 2420 for sending and receiving messages to and from the Transport Services Stack 2410 of the end-user device 100. *Id.* These messages may be framed and encrypted by the service controller 122 for transport to the end-user device service processor 115 or received from the end-user device service processor 115 and subsequently decoded and unpacked by the server's service controller 122. *Id.* A layer of

encryption is implemented below the transport services stack, for example, with IPSEC or another IP layer encryption, VPN, or tunneling scheme. 89:26-29. The Transport Services Stack 2420 provides basic transport services and can be implemented with standard secure or open Internet networking protocols, such as TLS or TCP. 70:31-44 (“In some embodiments, the service control server link 1638 provides for securing, signing, encrypting and/or otherwise protecting the communications before sending such communications over the service control link 1653. For example, the service control server link 1638 can send to the transport layer or directly to the link layer for transmission. In another example, the service control server link 1638 further secures the communications with transport layer encryption, such as TCP TLS or another secure transport layer protocol.”). 89:11-50.

As seen below in Fig. 25, a message received from server link element 1638 is associated with a format including an identifier (e.g., Agent Function #1 ID 2528), length (e.g., Agent Function #1 Message Length 2530) and content (e.g., Agent Function #1 Message 2532). 91:51-92:19. Messages from the server's service controller 122 can be routed to an appropriate agent on the end-user device 100 by the Service Control Device Link 1691 based on the format of the message.

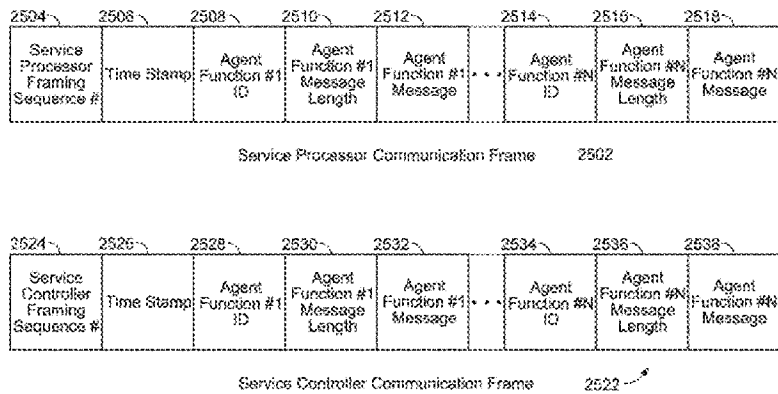


FIG. 25

Communications from the end-user device's service processor also includes an identifier indicating from where the message originated (e.g., Agent Function #1 ID 2508), length (e.g., Agent Function #1 Message Length 2510) and content (e.g., Agent Function #1 Message 2512). Multiple messages may also be framed together in a single communication frame, each associated with a corresponding agent ID (#1-#N).

Patent Prosecution History

Application 15/211,430

US Application No. 15/211,430 which resulted in the issuance of US Patent No. 9,615,192 on April 4, 2017, was filed on July 15, 2016 with claim 1. The '192 patent is a continuation of U.S. Application No. 14/979,233 filed on December 22, 2015 (now U.S. Patent No. 9,532,161), which is a continuation of U.S. Application No. 14/667,353 filed on March 24, 2015 (now U.S. Patent No. 9,232,403), which is a continuation of U.S. Application No. 14/262,604, filed on April 28, 2014 (now U.S. Patent No. 9,037,127), which is a continuation of U.S. Application No. 12/380,780, filed on March 2, 2009 (now U.S. Patent No. 8,839,388). The

'780 application claimed the benefit of U.S. Provisional Application 61/206,534 filed January 28, 2009, U.S. Provisional Application 61/206,944 filed February 4, 2009, U.S. Provisional Application 61/207,393 filed February 10, 2009 and U.S. Provisional Application 61/207,739 filed February 13, 2009. Accordingly, the earliest claimed effective filing date for US Patent No. 9,615,192 is January 2;8, 2009.

On July 18, 2016, a preliminary amendment was filed cancelling claim 1¹ and adding claims 2-16 directed to a message link server and method of operating a message link server. The amendment also changed the title and added a new abstract.

A non-final office action issued on November 1, 2016 in which the independent claims 2 and 16 were objected to for minor informalities. The claim limitation “buffering system to buffer ...determine... supply” in claim 2 was interpreted to invoke 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, because of the generic placeholder “system to” coupled with functional language, and independent system claim 2 was rejected as indefinite for reciting a buffering system without disclosure of a corresponding structure in the specification. The claims were further rejected as obvious in light of U.S. Patent No. 7,151,764 (Heinonen, et al.) and U.S. Pub. No. 2006/0182137 (Zhou, et al.), alone, or further in view of respective U.S. Patent No. 7,191,248 (Chattopadhyay, et al.), U.S. Pub. No. 2003/0184793 (Pineau), U.S. Pub. No. 2004/0054779 (Takeshima, et al.), and U.S. Pub. No. 2002/0138599 (Dilman, et al.), respectively.

¹ A system, comprising:

- a processor of a communications device configured to:
 - store a first set of device credentials for activating the communications device for a first service on a first network; and
 - send an access request to the first network, the access request including the first set of device credentials; and
- a memory of the communications device coupled to the processor and configured to provide the processor with instructions.

In response, Patent Owner amended the independent claims to address the objections and the indefiniteness rejections² but traversed the obviousness rejections without amendment.

Specifically, on pages 9-10 it was asserted claim 2 was distinguishable from the Heinonen because:

1. Heinonen discloses no message link server-the access point generates its own APSI messages, when it chooses, either from cached content, or from a content server content, upon a cache miss, but has **no mechanism to deliver a message from a network element to an identified software component on an identified device.**

2. Heinonen discloses no transport services stack to maintain a respective secure message link through an Internet network between the message link server and a respective device link agent-during the time when the simple APSI message is communicated to a device, the access point and the device maintain no link at all (see, e.g., col. 10, 11. 32-36, connection established at some point after APSI message is sent); nothing is secure as the content is in a paging packet; and nothing is through the Internet network, as these are directly communicated link-layer packets that bypass all "middleware" protocol layers.

3. Heinonen discloses no wireless end-user devices comprising multiple software components authorized to receive messages via the device link agent on that device-Heinonen discloses a "one-shot" solution wherein a modified link layer can identify one "APSI" message for delivery to one place, the device GUI function. **There is no mechanism to authorize other software components to receive messages, or direct messages to such components.**

4. Heinonen discloses no interface for network elements using the access point as a message link server-as the access point merely communicates with passing mobile devices opportunistically, nothing in Heinonen would lead one to expect that network elements would ever queue specific messages with an access point on the off-chance that a desired device passes within range; the content server merely supplies access-point-requested content to an access point, **it does not direct messages to the access point for delivery to respective software components on respective wireless end-user devices, as identified in the messages.**

5. Heinonen discloses no message buffering system-any APSI message delivered to a mobile device is built locally on-the-fly based on the cache content search and delivered

² Amending "message buffering system" to recite "message buffer system" in independent claim 2 and removing reference to "the message buffering system" in independent claim 16.

immediately. The whole point of Heinonen it to be able to deliver a small amount of useful display content, quickly, to a passing device that is not connected to the access point.

(Emphasis added.)

The response further asserted the Zhou reference did not cure the deficiencies of Heinonen. Specifically, on pages 10-11:

As **neither reference has a message link server**, the combination would not teach or suggest to one of ordinary skill such a server. One reference maintains no links-secure, for messaging, or through the Internet; the other reference is used within a single system and not on the Internet, and resorts to individual kernel-maintained connections between individual process pairs-**thus the combination would not teach or suggest to one of ordinary skill the claimed transport services stack**. One reference has no interface to receive messages from a plurality of network elements for delivery of respective message content for processing to respective ones of the software components identified in the messages; the other reference sets up many dedicated message channels between different pairs of programs running on the same system, but has no interface shared by multiple elements-**thus the combination would not teach or suggest to one of ordinary skill the claimed interface to a network**. One reference teaches no buffering and a need for immediate delivery of a locally-generated message; the other reference teaches individual buffers for individual pairs of communicating programs, but no buffer shared for multiple sources that may be directing messages to a same remote device, where a message delivery trigger will cause the delivery of messages to multiple "consumers" on the same remote device. Applicant could also not locate in the references, as a trigger, the occurrence of an asynchronous event with time-critical messaging needs. **Thus the combination of references would not teach or suggest to one or ordinary skill the claimed message buffering system.**

(Emphasis added.)

Claim 16 was asserted as patentable for similar reasons as claim 2.

The Examiner initiated an interview on February 9, 2017 during which Patent Owner authorized the Examiner to amend the independent claims "to clarify the claimed invention," and to "overcome the rejection under 35 U.S.C. 112 second paragraph."

A Notice of Allowance issued on February 15, 2017 including an Examiner's Amendment reflecting the changes agreed to during the interview. The Notice allowing claims 2-16 further set forth as reasons for allowance:

The claims are allowable over the prior art of record in view of the claim amendments above, for the reasons put forth in the Remarks (pages 9-11) of 02-01-2017 and after further search and consideration, the prior arts of record either taken alone or in combination neither anticipates nor renders obvious the claimed subject matter of the instant application that is taken as a whole including the particular features incorporated in each independent claims.

U.S. Patent No. 9,615,192 issued on April 4, 2017 with claims 2-16 renumbered as claims 1-15.

Related Proceedings

Headwater Rsch. LLC V. Samsung Elecs. Am., Inc., et al., No. 2:23-cv-103 (E.D. Tex. Mar. 10, 2023) (Case CLOSED Sep. 29, 2025 following pre-trial settlement).

Headwater Rsch. LLC V. Google LLC, No. 7:25-cv-231 (W.D. Tex. May 16, 2025.)

Headwater Rsch. LLC V. Amazon.com, Inc., et al., No. 7:25-cv-286 (W.D. Tex. June 20, 2025).

Headwater Rsch. LLC V. Apple Inc., No. 7:25-cv-371 (W.D. Tex. Aug. 27, 2025).

*Headwater Rsch. LLC V. Amazon.com Services LLC, et al., No. 2:25-cv-897 (E.D. Tex. Aug. 27, 2025).**

*Headwater Rsch. LLC V. Walmart Inc., No. 2:25-cv-961 (E.D. Tex. Sep. 18, 2025).**

*Headwater Rsch. LLC V. Uber Techs., Inc., et al., No. 2:25-cv-962 (E.D. Tex. Sep. 18, 2025).**

*Headwater Rsch. LLC V. Target Corp., No. 2:25-cv-963 (E.D. Tex. Sep. 18, 2025).**

Headwater Rsch. LLC V. Supercell Oy, No. 2:25-cv-964 (E.D. Tex. Sep. 18, 2025).

Headwater Rsch. LLC V. Tencent Holdings Ltd., No. 2:25-cv-965 (E.D. Tex. Sep. 18, 2025).

*The court consolidated these cases under Case No. 2:25-cv-961 on October 23, 2025.

IPR2024-00010-Samsung Elecs. Co. V. Headwater Rsch. LLC-Initiated but terminated prior FINAL Decision.

IPR2026-00088-Amazon.com Servs., LLC, et al. V. Headwater Rsch. LLC-Decision on Petition pending.

IPR2026-00154-Target Corp. M. Headwater Rsch. LLC-Decision on Petition pending.

References Asserted as Raising a Substantial New Question (SNQ)

1. U.S. Patent App. Pub. No. 2002/0023010 to Rittmaster (hereinafter also referred to as Rittmaster or '010) filed March 20, 2001 and published February 21, 2002 (Ex. C).
2. Andrew S. Tanenbaum and Maarten Van Steen, *Distributed Systems: Principles and Paradigms* (Pearson Education, 2d ed. 2007) (hereinafter referred to as "Distributed Systems") (Ex. E).
3. Andrew S. Tanenbaum, *Computer Networks* (Pearson Education, 4th ed. 2003) (hereinafter also referred to "Computer Networks") (Ex. F).
4. Australian Pat. Pub. AU 2007200530 to Shenfield, et al. (hereinafter also referred to as Shenfield or '530) filed on February 7, 2007 and published September 6, 2007 (Ex. U).
5. U.S. Patent App. Pub. No. 2006/0268696 to Konstantinov, et al. (hereinafter also referred to as Konstantinov or '696) filed September 22, 2005 and published November 30, 2006 (Ex. D).
6. U.S. Patent No. 8,064,934 to Klassen (hereinafter also referred to as Klassen or '934) filed October 19, 2006 and issued November 22, 2011 (Ex. K).
7. U.S. Patent No. 7,082,615 to Ellison, et al. (hereinafter also referred to as Ellison or '615) filed September 22, 2000 and published July 25, 2006 (Ex. L).
8. U.S. Patent App. Pub. No. 2006/0129691 to Coffee, et al. (hereinafter also referred to as '691 or Coffee) filed July 26, 2005 and published June 15, 2006 (Ex. S).
9. US Patent App Pub No 2005/0108397 to Basso (hereinafter also referred to as Basso or '397) filed November 14, 2003 and published May 19, 2005 (Ex. T).
10. U.S. Patent App Pub No 2009/0282256 to Rakic, et al. (hereinafter also referred to as Rakic or '256) filed May 12, 2008 and published November 12, 2009 (Ex. M).
11. U.S. Patent App. Pub. No. 2002/0186845 to Dutta, et al. (hereinafter also referred to as Dutta or '845) filed June 11, 2001 and published December 12, 2002 (Ex. N).

12. U.S. Patent App. Pub. No. 2005/0144294 to Gellens, et al. (hereinafter also referred to as Gellens or '294) filed December 3, 2003 and published June 30, 2005 (Ex. O).

Other

Declaration of Dr. Sam Malek (Ex. B), executed December 24, 2025 and filed December 24, 2025.

Availability of Asserted References as Prior Art

As discussed above, the earliest claimed effective filing date for US Patent No. 9.615,192 is January 28, 2009. Because the effective filing date of claims of the instant application prior to March 16, 2013, pre-AIA (first inventor to invent) provisions apply.

References 1-5, 7-9 and 11-12 were patented or described in a printed publication more than one year before the earliest claimed effective filing date of the '192 patent. Accordingly, References 1-5, 7-9 and 11-12 are available as prior art under pre-AIA 35 USC 102(a), 102(b) and 35 USC 103.

References 6 and 10 claim an effective filing date prior to the earliest claimed effective filing date of the '192 patent. Accordingly, References 6 and 10 are available as prior art under pre-AIA 35 USC 102(e) and 35 USC 103.

Proposed SNOs

Ground No.	Claims	Grounds Presented Herein
1	1-3, 5-7, 9, 11-15	Anticipated by <i>Rittmaster</i>
2	1-3, 5-7, 9-15	Obvious in view of <i>Rittmaster</i> + <i>Distributed Systems</i> and <i>Computer Networks</i>
3	1-3, 5-7, 9-15	Obvious in view of <i>Rittmaster</i> + <i>Shenfield</i>
4	1-3, 5-7, 9-15	Obvious in view of <i>Rittmaster</i> and/or <i>Shenfield</i> (as in any of Grounds 1 - 2) + <i>Konstantinov</i> and <i>Klassen</i>
5	4	Obvious in view of any of Grounds 1 - 4 + <i>Ellison</i>
6	6	Obvious in view of any of Grounds 1 - 4 + <i>Coffey</i> or <i>Buxo</i>
7	8	Obvious in view of any of Grounds 1 - 4 + <i>Computer Networks</i> + <i>Rubic</i> or <i>Dutta</i>
8	14	Obvious in view of any of Grounds 1 - 4 + <i>Gellens</i>

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Request, p. 1.³

Claim Interpretation

As set forth in MPEP 2240, in making the determination of whether to order reexamination, the Office will determine the proper meaning of the patent claims by giving the claims their broadest reasonable interpretation consistent with the specification (see *In re Yamamoto*, 740 F.2d 1569 (Fed. Cir. 1984)).

³ Cf: page 50, lines 1-3, page 67, lines 11-13, page 82, lines 4-5, page 91, last three lines, page 93, lines 5-7, and page 94, lines 1-3 and 24-26.

Substantial New Question Of Patentability

For a substantial new question of patentability (SNQ) to be present, it is only necessary that: (A) the prior art patents and/or printed publications raise a substantial question of patentability regarding at least one claim, i.e., the teaching of the (prior art) patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable; and (B) the same question of patentability as to the claim has not been decided by the Office in a previous examination or pending reexamination of the patent or in a final holding of invalidity by the Federal Courts in a decision on the merits involving the claim. *See* MPEP §2242.

Analysis

SNQs/Grounds 1-2 and 5-8 (Request: pages 17-19, 21-22, 29-67 and 91-95)

SNQs 1-2:

Claim 1 of the '192 is representative. As such it appears from the record that the technical features missing from the prior art at the time of allowance of the claim 1 of the '192 patent (see discussion of prosecution history above) are:

[1] a message link server⁴;

⁴ To the extent the preamble is limiting, the terminology “message link server” was first introduced in the '430 application by the 7/18/16 preliminary amendment (after filing date of 7/15/16) into the claims, title and abstract (“A message link server maintains secure message link with device agents on each of a plurality of wireless end-user devices.”). On page 9 of the 2/1/17 response during prosecution of the '430 application, a “message link server” appears to be asserted as a “mechanism to deliver a message from a network element to an identified software component on an identified device”. In the '010 IPR, “a message link server” is asserted as a mechanism which “facilitates message delivery between devices/elements (user devices, other network elements) over a network”. *Decision to Institute*, page 11.

[2] transport services stack of a message link server to maintain a respective secure message link through an Internet network between the message link server and a respective device link agent⁵ [of a plurality of wireless end-user devices];

[3] wireless end-user devices comprising multiple software components⁶ authorized to receive messages via a device link agent⁷ on that device;

[4] an interface to a network for network elements to receive messages from a plurality of network elements for delivery of respective message content for processing to respective ones of the software components on respective wireless end-user devices, as identified in the messages;

[5] a message buffer system to buffer content from messages received from a plurality of network elements for which delivery is requested to a given one of the wireless end-user devices, to determine when one of a plurality of message delivery triggers for the given one of the wireless end-user devices has occurred, and upon determining that one of the message delivery triggers has occurred, to supply the messages comprising the buffered content to multiple “consumers”/software components on the same remote device and wherein one of a plurality of message delivery triggers for the given one of the wireless end-user devices is the occurrence of an asynchronous event with time-critical messaging needs.

The request alleges that the technological teachings of **Rittmaster** alone (claims 1-3, 5-7, 9 and 11-15) or **Rittmaster** in combination with *Distributed Systems and/or Computer Networks* (claims 1-3, 5-7 and 9-15) raise a substantial new question (SNQ) of patentability regarding claims 1-3, 5-7 and 9-15 of the ‘192 patent. See Proposed SNQs above.

The teachings of **Rittmaster** alone or **Rittmaster** in combination with *Distributed Systems and/or Computer Networks* are not cumulative to any written discussion of the requested claims on the record. Additionally, the teachings of **Rittmaster** alone or **Rittmaster** in

⁵ The terminology “device link agent” also was first introduced by the 7/18/16 preliminary amendment (after filing date of 7/15/16) into the claims and abstract (“A message link server maintains secure message link with device agents on each of a plurality of wireless end-user devices.”). Note the discussion of similar terminology “device messaging agent” in the ‘117 Patent on page 29 of the Request. See following footnote.

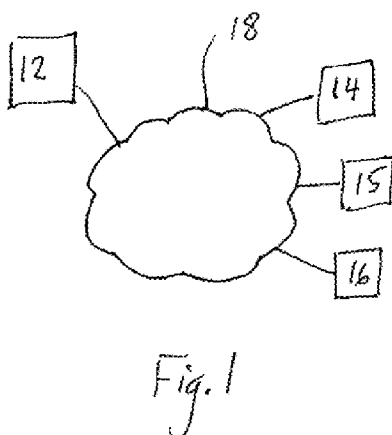
⁶ See the construction of the term “software components” on page 28 of the Request.

⁷ See footnote 5. Note also during prosecution of ‘430 application, page 9 of the 2/1/17 response appears to assert a “device link agent” as a “mechanism to authorize other software components to receive messages, or direct messages to such components.”.

combination with *Distributed Systems and/or Computer Networks* regarding the requested claims were not previously addressed during a prior examination, and are not the subject of a final holding of invalidity by Federal Courts.

It is agreed that the technological teachings of **Rittmaster** alone (claims 1-3, 5-7, 9 and 11-15) or **Rittmaster** in combination with *Distributed Systems and/or Computer Networks* (claims 1-3, 5-7 and 9-15) raise a substantial new question (SNQ) of patentability regarding claims 1-3, 5-7 and 9-15 of the '192 patent.

Rittmaster (Ex. C) discloses a network for providing/communicating information to user devices upon determining that the users are eligible to receive such information, e.g. they are present within a designated geographic location. Abstract, [0040]. Fig. 1 shows a system in which an Internet product or service provider processor/server 12 is connected to a plurality of network enabled recipient processors/user devices 14-16 through a network (e.g., the internet, wireless network). [0010], [0032]-[0033], [0042], Fig 1 below:



Therefore, Rittmaster is related to the Technical feature identified as [1] above.

As shown in more detail in Fig. 2 (below):

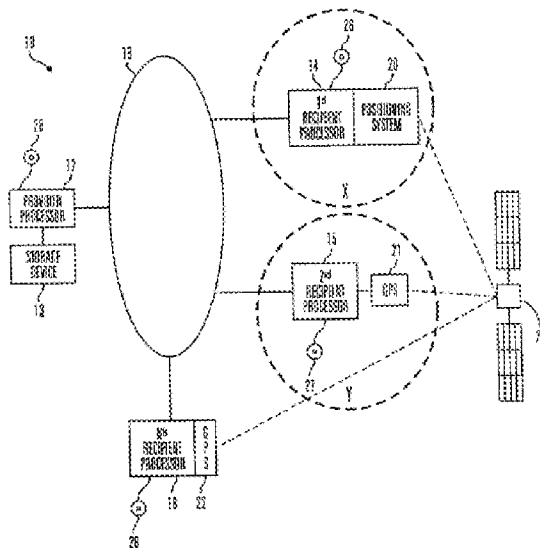


FIG. 2.

the server 12 has associated server software 29 and a storage means 13 and each user device (recipients 14, 15, and 16) has a different method for tracking geographic position. [0032]-[0033], [0042]-[0043], [0050] and [0163]. Regarding this system, recipient (user) devices 14-16 and provider device (or server) 12 may each comprise any suitable computer or processor device having means for interfacing with and communicating on a communications network and for operating under the control of software programs. [0042] (“...The user devices may be coupled in communication with the provider server 12 simultaneously or during mutually different periods of time. As described above, the user devices 14-16 and provider device (or server) 12 may each comprise any suitable computer or processor device having means for interfacing with and communicating on a communications network and for operating, preferably under the control of software programs, in the manner described below. Such computers and communication interfacing are well known in the art and are not described in further detail

herein for purposes of simplifying the present disclosure.”), [0081]. The user devices can be portable communication devices having multiple software components. [0035] (“In such embodiments, the recipient processors comprise online user terminals, including, but not limited to conventional personal computers (PCs), portable communication devices (such as portable telephones, personal digital assistants, or other portable information units), or vehicle-mounted computers connected to a wide area network, such as, but not limited to, the Internet.”), [0042] above, [0050] (“the user devices 14-16 are operated under the control of associated user software 26-28, respectively to communicate geographic information to the provider device, such as a provider server 12.”), [0081] (“The recipient device may, thus, be controlled by suitable software, firmware or the like residing on the recipient device (or otherwise accessible by the device) to, for example, selectively deny, limit or allow access to predefined information on the network, display warning or other messages, or enable or disable processing or receiving circuitry or routines necessary to receive or effectively use the predefined information on the network, without requiring the transmission of location information from the recipient device.”). The provider processor 12 is capable of providing information (e.g. [0033] (“...may include, but is not limited to, data, text or image information including software programs,...”), [0059] (“...warning, disclaimer or other message or data to the user...”), [0056] (“...software files, programs, data, decode keys, or other information that defines the requested product or service or that are necessary for the user to obtain the requested product or service...”)) from any suitable source (e.g., [0033] (“...including, but not limited to an on-line source or a computer readable storage medium such as a hard or floppy disk, random access memory RAM, read only memory ROM, compact disk (CD), other optical storage disk, such as a DVD, or the like...”)). Therefore, Rittmaster is also related to the Technical features identified as [1]-[4] above.

The provider processor/server 12 and/or the recipient processor/user device 14-16 control distribution of information based on criteria including receipt of location of recipient processor/user device. [0040], [0050]-[0081] (e.g., [0050] (“... The server is operated under the control of associated server software 29 to selectively provide or deny a given user device 14-16 access to a product or service dependent upon the geographic information provided by the given user device. In other configurations of the FIG. 2 embodiment, the user devices 14-16 are controlled by the user software 26-28 to selectively provide or deny access, without the need to communicate geographic information to the provider.”) and [0079] (“... Other embodiments avoid the need to communicate location information over the network, for example, by employing the recipient (or user) device 14-16 and software (26-28) to perform some or all of these determinations...”). Furthermore, the determination of whether to provide, deny or limit access to requested product or service may also require other criteria, e.g. time information for time testing. *Id.* (e.g., [0059] (“For example, with respect to the above embodiment, the provider server 12 may be controlled to allow access to any user device in the second region (region Y), only if the user also provides further information, such as the user's age, identification information, payment information, acceptance of an agreement, or other information, or only after the user is provided with a warning, disclaimer or other message or information.”), [0062]-[0063], [0069] (“As a result, the provider server is provided with multiple location and/or time information packets over the course of a communication interchange...”). As such, Rittmaster is related to the Technical features identified as [4]-[5] above.

Rittmaster also describes the server sends content "in an encrypted format", i.e. "[m]any forms of encryption are commonly used." [0082]-[0083]. See also Fig. 4a and [0066]-[0067] (“Preferably, at least the location and time information is encrypted. However, in further

preferred embodiments, all of the information may be encrypted together to render it more difficult to decode without the decryption key or algorithm.”) and [0069]. Outgoing messages from the server are encrypted and incoming messages are decrypted by the respective user device *Id.*, [0084]-[0088], Figs. 7-9 below.

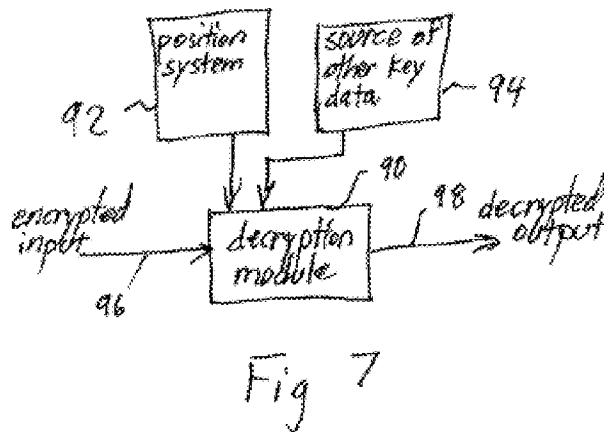
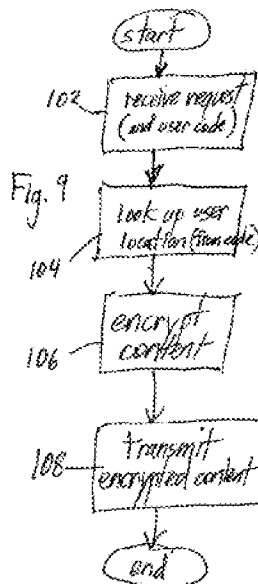
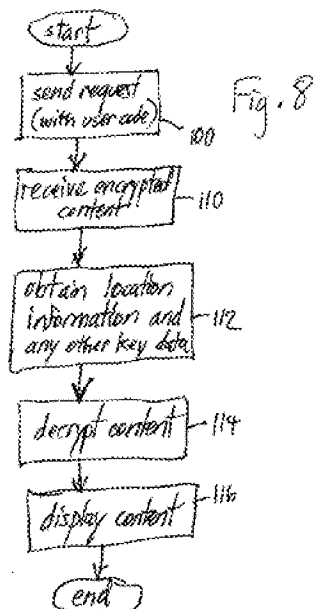


Fig 7



The decryption module 90 of the recipient processor/end-user device as so shown in Fig. 7 comprises a hardware, firmware, software or hybrid decryption system for performing decryption operations in accordance with any suitable decryption technique. *Id.* Encrypted messages are received by the decryption module 90 before being routed to appropriate device components. The decryption module 90 may also be coupled to obtain additional data for use in a decryption key or algorithm, e.g. from any suitable source 94, including, but not limited to an identification code issued or assigned to the user, where the identification code is preferably unique with respect to identification codes issued to other users. Such codes may be issued or otherwise assigned to authorized users (or subscribers) by, for example, the content provider at some time before content communication transactions are carried out by the users. *Id.* The decryption module 90 employs the geographic location information, time information and/or identification information in the decryption process to produce a decrypted content signal as the module output 98. [0084]-[0088]. As such, Rittmaster is related to the Technical features identified as [2]-[3] above.

In one embodiment the system of Rittmaster involves the server 12 determining whether to provide specific content from networked content providers (134, 136, 138, 140) to one or more users of recipient display/user devices in a shopping area based on the relative positions of the provider computers (138, 140) and recipient display/user devices (122, 128, portable communication devices) as well as potentially other criteria. [0115]-[0128]. Such a system is shown below:

notes that "[a]lthough SSL has never been formally standardized, most Web clients and servers nevertheless support it." *Id. Distributed Systems* further describes "[a]n update of SSL has been formally laid down in RFC 2246 and RFC 3546, now referred to as the Transport Layer Security (TLS) protocol." *Id.* Figure 12-22 of *Distributed Systems* below shows the security layers in a server's "internet protocol stack":

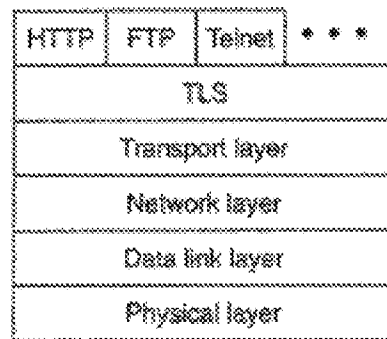


Figure 12-22. The position of TLS in the Internet protocol stack.

Distributed Systems further describes TLS as “an application-independent security protocol that is logically layered on top of a transport protocol” and that “[f]or reasons of simplicity, TLS (and SSL) implementations are usually based on TCP.” *Id. Distributed Systems* describes that “[t]he core of the protocol is formed by the TLS record protocol layer, which implements a secure channel between a client and server.” *Id.* Therefore, *Distributed Systems* is also related to the Technical features identified as [2] and [4] above.

Computer Networks (Ex. F) describes concepts regarding computer networks and the internet. The text book explains that when a process on a device establishes a TCP connection (see, e.g., discussion of *Distributed Services* above) with a remote process it attaches itself to an unused TCP port on its own machine, called the source port and tells the TCP code where to

send incoming packets belonging to this connection. P. 340. The process also supplies a destination port to tell who to give the packets to on the remote side. *Id.* Each outgoing TCP message contains both a source port and a destination port, serving to identify the processes using the connection on both ends. *Id.* Figure 6-29 of *Computer Networks* below shows the standard TCP message format for transmitting data on the internet including both a source port number and a destination port number. P. 410.

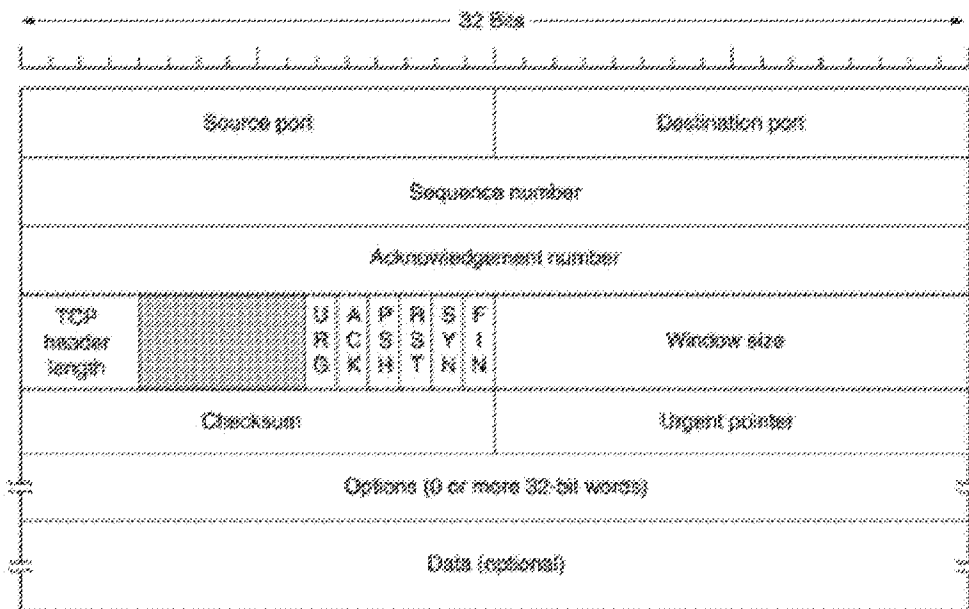
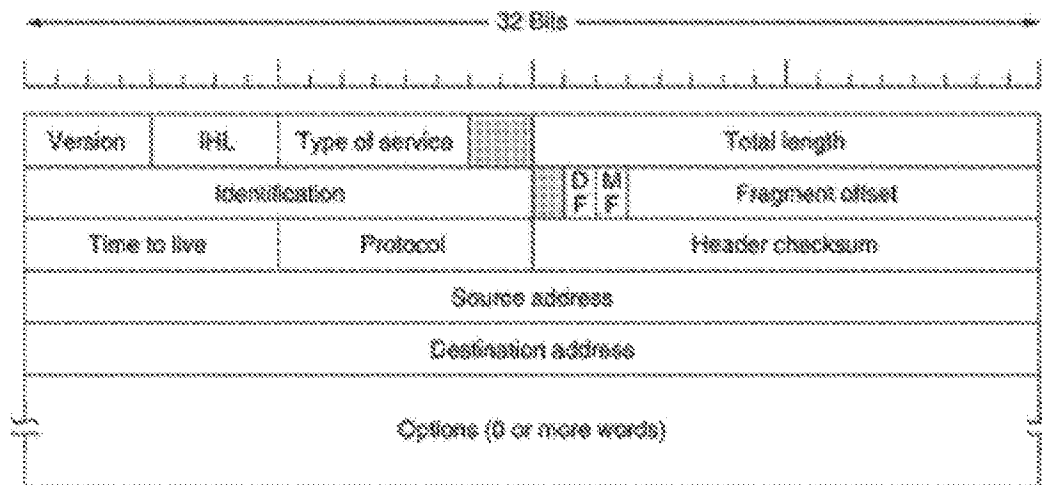


Figure 5-53 of *Computer Networks* also shows the structure of standard IP packets used for transmitting data on the internet. Pp. 329-331.



Thus, *Computer Networks* is related to the Technical features identified as [2] and [4] above.

Therefore, since the teachings of **Rittmaster** alone or **Rittmaster** in combination with *Distributed Systems and/or Computer Networks* are directly related to the subject matter considered as the basis for allowability of patent claims 1-3, 5-7 and 9-15 of the '192 patent, a reasonable examiner would consider the evaluation of **Rittmaster** alone or **Rittmaster** in combination with *Distributed Systems and/or Computer Networks* to be important in determining the patentability of claims 1-3, 5-7 and 9-15. As such, the teachings of the **Rittmaster** alone or **Rittmaster** in combination with *Distributed Systems and/or Computer Networks* are deemed to raise an SNQ on claims 1-3, 5-7 and 9-15 of the '192 patent.

SNQs/Grounds 5-8:

The request further applies **Ellison** (Appendix L) to dependent claim 4 in combination with **Rittmaster** alone (claims 1-3, 5-7, 9 and 11-15) or **Rittmaster** with *Distributed Systems and/or Computer Networks* (claims 1-3, 5-7 and 9-15), applies **Coffee** (Appendix S) or **Basso** (Appendix T) to dependent claim 6 in combination with **Rittmaster** alone or **Rittmaster** with

Distributed Systems and/or Computer Networks, applies **Rakic** or **Dutta** to dependent claim 8 in combination with **Rittmaster** alone or **Rittmaster** with *Distributed Systems and/or Computer Networks* and applies **Gellens** to dependent claim 14 in combination with **Rittmaster** alone or **Rittmaster** with *Distributed Systems and/or Computer Networks*. Since the teachings of **Rittmaster** alone or **Rittmaster** with *Distributed Systems and/or Computer Networks* already raise an SNQ on independent claim 1, an SNQ is also raised on its dependent claims. As such, **Ellison** or **Coffee** or **Basso** or **Rakic** or **Basso** or **Gellens** in combination with **Rittmaster** alone or **Rittmaster** with *Distributed Systems and/or Computer Networks* raise an SNQ on claims 4, 6, 8 and 14 through dependency.

The teachings of **Ellison** or **Coffee** or **Basso** or **Rakic** or **Basso** or **Gellens** in combination with **Rittmaster** alone or **Rittmaster** with *Distributed Systems and/or Computer Networks* are not cumulative to any written discussion of the requested claims on the record. Additionally, the teachings of **Ellison** or **Coffee** or **Basso** or **Rakic** or **Basso** or **Gellens** in combination with **Rittmaster** alone or **Rittmaster** with *Distributed Systems and/or Computer Networks* regarding the requested claims were not previously addressed during a prior examination, and are not the subject of a final holding of invalidity by Federal Courts.

SNQs/Grounds 3 and 5-8 (Request: pages 17-19, 21-27, 67-82 and 91-95)

SNQ 3:

The request alleges that the technological teachings of **Rittmaster** and **Shenfield** alone (claims 1-3, 5-7, 9-15) or **Rittmaster** and **Shenfield** in combination with *Distributed Systems*

and/or Computer Networks (claims 1-3, 5-7 and 9-15) raise a substantial new question (SNQ) of patentability regarding claims of the '192 patent. See Proposed SNQs above.

The teachings of **Rittmaster** and **Shenfield** alone or **Rittmaster** and with **Distributed Systems and/or Computer Networks** are not cumulative to any written discussion of the requested claims on the record. Additionally, the teachings of **Rittmaster** and **Shenfield** alone or **Rittmaster** and **Shenfield** with **Distributed Systems and/or Computer Networks** regarding the requested claims were not previously addressed during a prior examination, and are not the subject of a final holding of invalidity by Federal Courts.

It is agreed that the technological teachings of **Rittmaster** and **Shenfield** alone (claims 1-3, 5-7, 9-15) or **Rittmaster** and **Shenfield** with **Distributed Systems and/or Computer Networks** (claims 1-3, 5-7 and 9-15) raise a substantial new question (SNQ) of patentability regarding claims 1-3, 5-7 and 9-15 of the '192 patent.

See the discussion of **Rittmaster**, **Distributed Systems** and **Computer Networks** above with regard to SNQs 1-2.

Shenfield (Ex. U) like **Rittmaster** discloses a communication system between a network part 12 and a mobile station 14. [0031], Fig. 1 below:

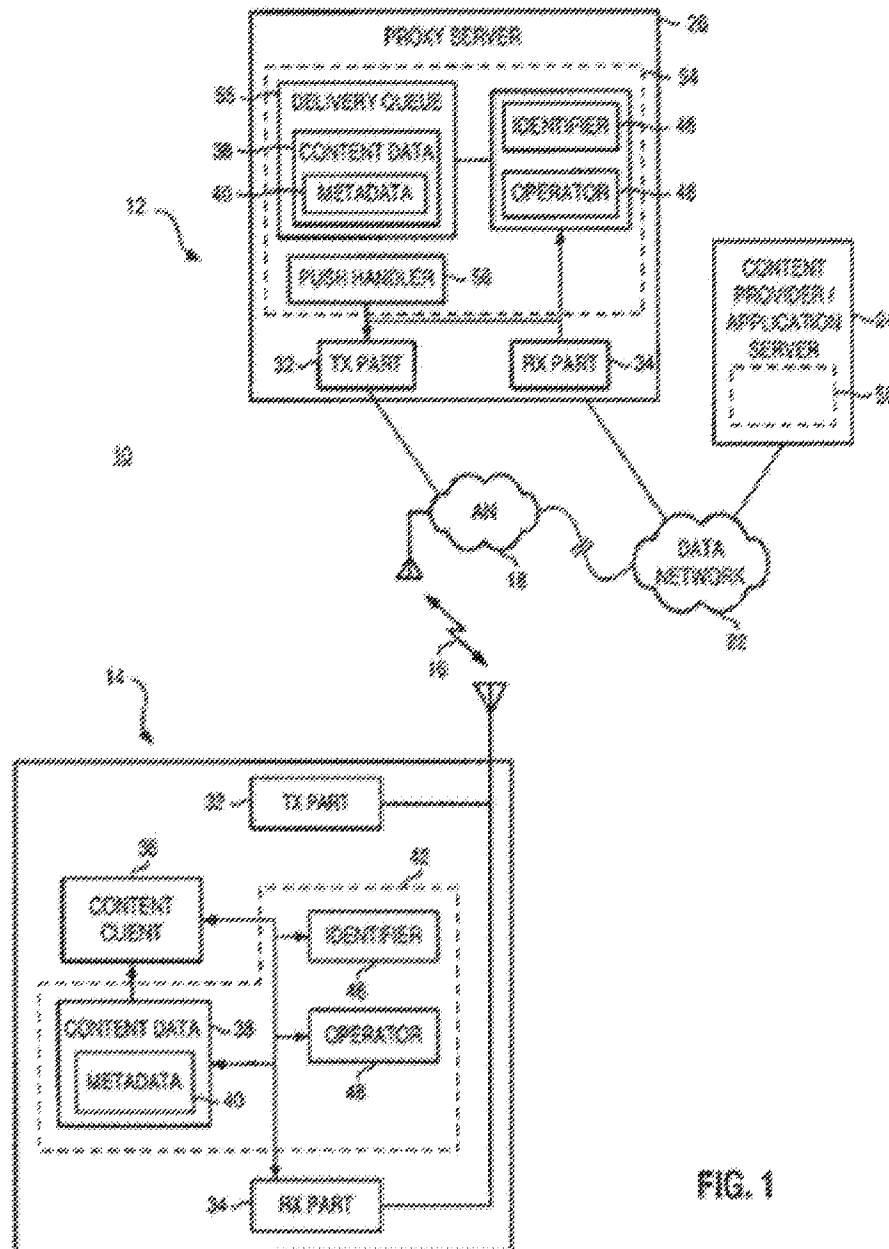


FIG. 1

The network part includes network 22 forming a packet network side such as the Internet and communication devices/content providers 24, such as application servers 24, that contain or generate content. [0032]. The network part also includes a proxy server 26. [0033]. “Content sourced at the application server is, pursuant to conventional operation, routed to the proxy server by way of the data network which proxy server performs a direct wireless push to the

mobile station using a notification mechanism.” [0033]-[0035]. The proxy server communicates content with a mobile station (wireless end-user device) via a push handler. [0034]. The mobile station 14 includes a content client 36, representative of an application, an application environment, or, generically, a push agent that consumes content pushed to the mobile station. [0034]. The proxy server can communicate content to multiple mobile stations and multiple applications (software components) within each mobile station. [0034], [0036]. Therefore, Shenfield is related to the Technical features identified as [1] and [3]- [4] above.

Figure 2, below, of Shenfield shows the application forming the content client 36 of the mobile station 14 that receives content pushed from the push handler of the proxy server. See also [0061].

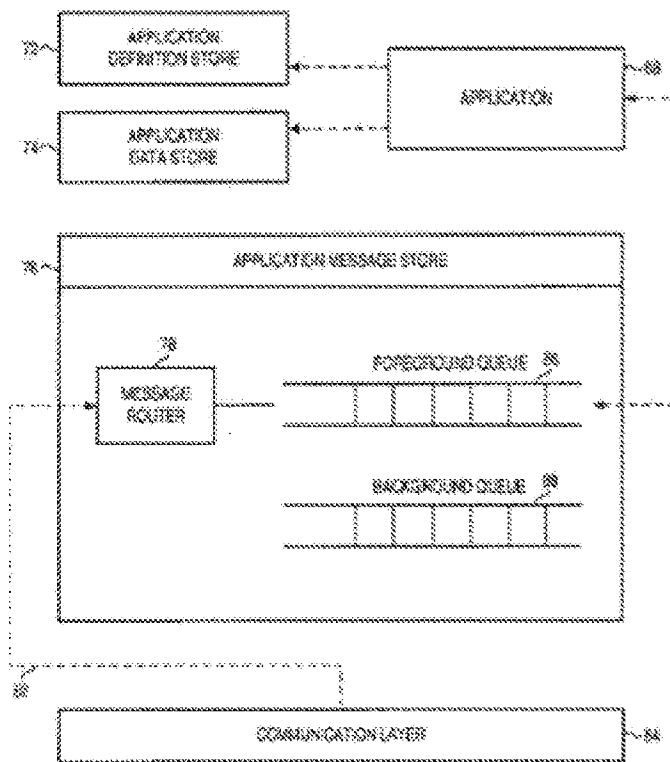


FIG. 2

Every incoming message contains an application identification and a message identification. [0069]. The communication layer of each mobile station receives the incoming messages sent by the push handler 56 and places them in the appropriate message store 76 of the content client according to their respective application identification. *Id.* Further, content or messages from content providers may be stored in a queue 55 at the proxy server for distribution at a later time to user devices. [0036], [0039]-[0041]. This storage can occur until a trigger is effectuated. *Id.* Shenfield discloses that messages from the proxy server can be triggered as "push" messages, which are initiated by a party other than the user, or "request-response" messages, which are initiated by the user. [0004]. Shenfield also discloses other types of triggers for push message systems, including mobile station geographic location and time. [0036]. Content can be tracked via unique message identifiers as well, and older messages in the queue can be replaced with updated versions. [0046]. Thus, Shenfield is related to the Technical features identified as [2]-[5] above.

Therefore, since the teachings of **Rittmaster** and **Shenfield** alone (claims 1-3, 5-7, 9-15) or **Rittmaster** and **Shenfield** with *Distributed Systems and/or Computer Networks* (claims 1-3, 5-7 and 9-15) are directly related to the subject matter considered as the basis for allowability of patent claims 1-3, 5-7 and 9-15 of the '192 patent, a reasonable examiner would consider the evaluation of **Rittmaster** and **Shenfield** alone or **Rittmaster** and **Shenfield** with *Distributed Systems and/or Computer Networks* to be important in determining the patentability of claims 1-3, 5-7 and 9-15. As such, the teachings of the **Rittmaster** and **Shenfield** alone or **Rittmaster** and **Shenfield** with *Distributed Systems and/or Computer Networks* are deemed to raise an SNQ on claims 1-3, 5-7 and 9-15 of the '192 patent.

SNQs/Grounds 5-8:

The request further applies **Ellison** (Appendix L) to dependent claim 4 in combination with, **Rittmaster** and **Shenfield** alone (claims 1-3, 5-7, 9-15) or **Rittmaster** and **Shenfield** in combination with *Distributed Systems and/or Computer Networks* (claims 1-3, 5-7 and 9-15), applies **Coffee** (Appendix S) or **Basso** (Appendix T) to dependent claim 6 in combination with **Rittmaster** and **Shenfield** alone or **Rittmaster** and **Shenfield** in combination with *Distributed Systems and/or Computer Networks*, applies **Rakic** or **Dutta** to dependent claim 8 in combination with **Rittmaster** and **Shenfield** alone or **Rittmaster** and **Shenfield** in combination with *Distributed Systems and/or Computer Networks* and applies **Gellens** to dependent claim 14 in combination with **Rittmaster** and **Shenfield** alone or **Rittmaster** and **Shenfield** with *Distributed Systems and/or Computer Networks*. Since the teachings of **Rittmaster** and **Shenfield** alone or **Rittmaster** and **Shenfield** with *Distributed Systems and/or Computer Networks* already raise an SNQ on independent claim 1, an SNQ is also raised on its dependent claims. As such, **Ellison** or **Coffee** .

Basso or **Rakic** or **Basso** or **Gellens** in combination with **Rittmaster** and **Shenfield** alone or **Rittmaster** and **Shenfield** with *Distributed Systems and/or Computer Networks* raise an SNQ on claims 4, 6, 8 and 14 through dependency.

The teachings of **Ellison** or **Coffee** or **Basso** or **Rakic** or **Basso** or **Gellens** in combination with **Rittmaster** and **Shenfield** alone or **Rittmaster** and **Shenfield** with *Distributed Systems and/or Computer Networks* are not cumulative to any written discussion of the requested claims on the record. Additionally, the teachings of **Ellison** or **Coffee** or **Basso** or **Rakic** or **Basso** or **Gellens** in combination with **Rittmaster** and **Shenfield** alone or **Rittmaster**

and **Shenfield** with *Distributed Systems and/or Computer Networks* regarding the requested claims were not previously addressed during a prior examination, and are not the subject of a final holding of invalidity by Federal Courts.

SNQs 4-8 (Request: pages 17-24 and 82-95)

SNQ 4:

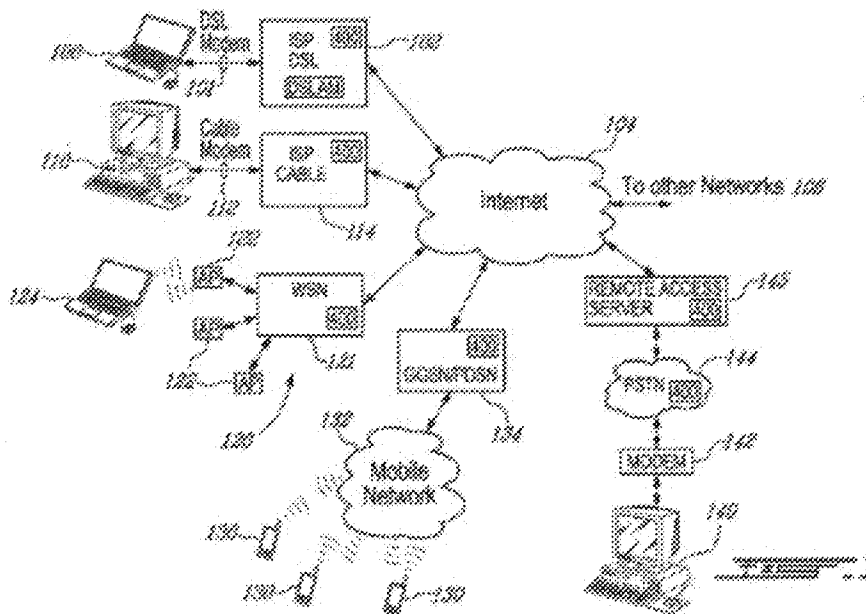
The request alleges that the technological teachings of **Rittmaster** in combination with **Konstantinov and/or Klassen** raise a substantial new question (SNQ) of patentability regarding claims 1-3, 5-7 and 9-15 of the '192 patent. See Proposed SNQs above.

The teachings of **Rittmaster** in combination with **Konstantinov and/or Klassen** are not cumulative to any written discussion of the requested claims on the record. Additionally, the teachings of **Rittmaster** in combination with **Konstantinov and/or Klassen** regarding the requested claims were not previously addressed during a prior examination, and are not the subject of a final holding of invalidity by Federal Courts.

It is agreed that the technological teachings of **Rittmaster** in combination with **Konstantinov and/or Klassen** raise a substantial new question (SNQ) of patentability regarding claims 1-3, 5-7 and 9-15 of the '192 patent.

See the discussion of **Rittmaster** above with regard to SNQs 1-2.

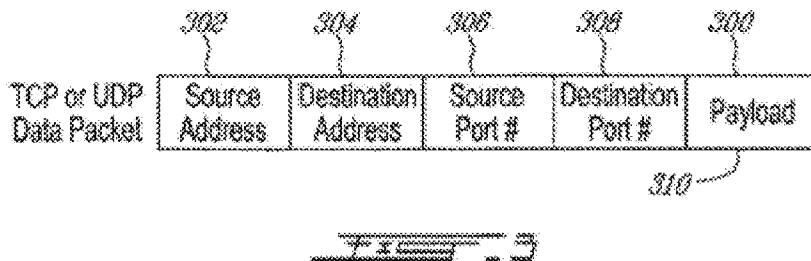
Konstantinov (Ex. D) discloses a system in which a plurality of user devices 100, 110, 124, 130 (such as computers and mobile phones) access a server 145 (or other network) over the internet to obtain content. [0032]-[0034], Fig. 1 below.



As shown a laptop terminal 100, a personal computer 110, multiple mobile clients 130, and a PC-based terminal 140 can link to the internet via respective access points. *Id.* As illustrated, each device 102, 114, 121, 144, 145 that connects the user devices to the internet, such as remote access server 145, includes a scrambling module 400. *Id.* The scrambling module 400 detects data traffic that matches certain criteria or rules, so that illegitimate Voice over Internet Protocol (VoIP) data traffic is detected, and the individual data packets are intercepted, delayed and scrambled. [0033]. The scrambling module 400 also creates an "access list" 404 of various rules 406 that may specify indications and/or conditions in which data packets should be intercepted and scrambled. [0034] These rules include, for example, indications of source IP addresses, destination IP addresses of parties whose communications are to be intercepted and scrambled,

protocols used for carrying on VoIP communication, and the like. *Id.* Konstantinov further discloses that messages sent to and from devices through the network use TCP/UDP packets.

[0039], Fig. 3 below.



As shown each data packet includes, in addition to a "payload" 310 (content provided from a source device), addressing information relating to the "destination address" 304 (i.e., recipient device IP address), and a "destination port #" 308 (i.e., a port number identifying the virtual location on the recipient device at which a specific software application is located). *Id.* The packet also includes the same type of identifying information for the source device and its associated software. *Id.* Therefore, Konstantinov is related to at least the Technical features identified as [1] and [4]-[5] above.

Klassen (Ex. K) discloses a remote services server 106 linking a plurality of network elements (application servers 104-1 through 104-N) through the internet 108 to a plurality of mobile communications devices (e.g., 116, 124). 2:55-3:25, Fig. 1, below.

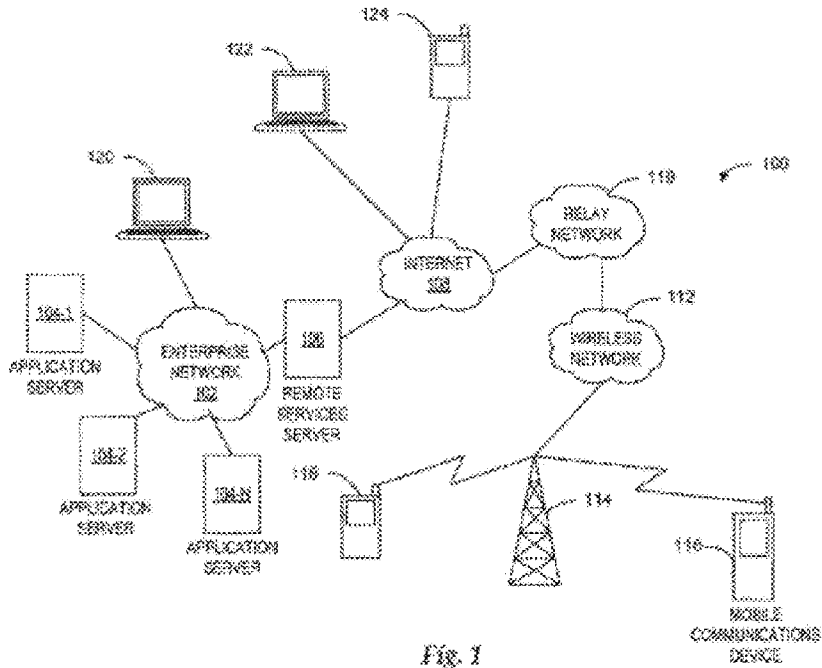


Fig. 1

FIG. 2 depicts a software architectural view of a mobile communications device, e.g. 116. 3:55-4:26, Fig. 2 below:

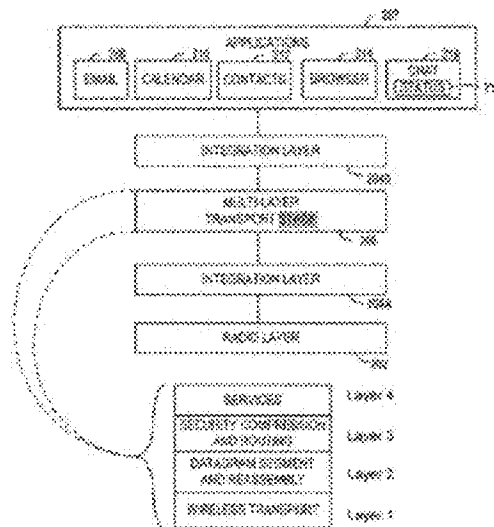


Fig. 2

A multi-layer transport stack (TS) 206 is operable to provide a generic data transport protocol for any type of corporate data, including email, via a reliable, secure and seamless continuous connection to a wireless packet data service network. *Id.* An integration layer 204A is operable as an interface between the radio layer 202 and the transport stack 206 of mobile communications device 116. *Id.* Likewise, another integration layer 204B is provided for interfacing between the transport stack 206 and the user applications 207 supported on the mobile communications device 116, e.g., email 208, calendar/scheduler 210, contact management 212, browser 214 and chat application 216. The chat application 216 includes a status update module 218 that monitors the status of the chat application and communicates recent or upcoming status changes to devices in communication with the chat application. *Id.* The bottom layer (Layer 1) of the transport stack 206 is operable as an interface to the wireless network's packet layer. *Id.* Layer 1 handles basic service coordination within the exemplary network environment 100 shown in FIG. 1. *Id.* For example, when a mobile communications device roams from one carrier network to another, Layer 1 verifies that the packets are relayed to the appropriate wireless network and that any packets that are pending from the previous network are rerouted to the current network. *Id.* The top layer (Layer 4) exposes various application interfaces to the services supported on the mobile communications device. *Id.* The remaining two layers of the transport stack 206, Layer 2 and Layer 3, are responsible for datagram segmentation/reassembly and security, compression and routing, respectively. *Id.* Therefore, Konstantinov is related to at least the Technical features identified as [1]-[3] above.

Therefore, since the teachings of **Rittmaster** in combination with **Konstantinov and/or Klassen** are directly related to the subject matter considered as the basis for allowability of patent claims 1-3, 5-7 and 9-15 of the '192 patent, a reasonable examiner would consider the evaluation of **Rittmaster** with **Konstantinov and/or Klassen** to be important in determining the patentability of claims 1-3, 5-7 and 9-15. As such, the teachings of the of **Rittmaster** in combination with **Konstantinov and/or Klassen** are deemed to raise an SNQ on claims 1-3, 5-7 and 9-15 of the '192 patent.

SNQs/Grounds 5-8:

The request further applies **Ellison** (Appendix L) to dependent claim 4 in combination with **Rittmaster** and **Konstantinov and/or Klassen** (claims 1-3, 5-7, 9-15), applies **Coffee** (Appendix S) or **Basso** (Appendix T) to dependent claim 6 in combination with **Rittmaster** and **Konstantinov and/or Klassen**, applies **Rakic** or **Dutta** to dependent claim 8 in combination with **Rittmaster** and **Konstantinov and/or Klassen** and applies **Gellens** to dependent claim 14 in combination with **Rittmaster** and **Konstantinov and/or Klassen**. Since the teachings of **Rittmaster** in combination with **Konstantinov and/or Klassen** already raise an SNQ on independent claim 1, an SNQ is also raised on its dependent claims. As such, **Ellison** or **Coffee** or **Basso** or **Rakic** or **Basso** or **Gellens** in combination with **Rittmaster** and **Konstantinov and/or Klassen** raise an SNQ on claims 4, 6, 8 and 14 through dependency.

The teachings of **Ellison** or **Coffee** or **Basso** or **Rakic** or **Basso** or **Gellens** in combination with **Rittmaster** and **Konstantinov and/or Klassen** are not cumulative to any written discussion of the requested claims on the record. Additionally, the teachings of **Ellison** or **Coffee** or **Basso** or **Rakic** or **Basso** or **Gellens** in combination with **Rittmaster** and

Konstantinov and/or Klassen regarding the requested claims were not previously addressed during a prior examination, and are not the subject of a final holding of invalidity by Federal Courts.

35 U.S.C. §325(d)

35 USC 325(d) states in part, “[i]n determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.” Thus, for the Director to exercise discretion as to whether to Order a reexamination under chapter 30, the Request must first be determined to be based on the same or substantially the same prior art or arguments that were previously presented to the Office.

A review of the post grant history for the 9,615,192 patent indicates that the patent was subject to a three prior Office post grant challenge(s).

In *IPR2024-0010*, Samsung Electronics Co., Ltd. ("Samsung"), filed a petition for *inter partes* review of claims 1-9, 11-13, and 15 of the '192 Patent on November 17, 2023. The Board issued a Decision Granting Institution on May 23, 2024, and Patent Owner filed its response on September 7, 2024. Although the IPR presented grounds with respect to claims 4 and 8 based on the Ellison and Rakic patents respectively which patents are also presented in the instant reexamination of claims 4 and 8, i.e. SNQ 5 and SNQ 7 above , neither of SNQs 5 and 7 in the current Request are based on the identical prior art combinations/teachings as were presented in this prior IPR. Furthermore, Patent Owner and Samsung subsequently settled and moved to

terminate the IPR. The Board terminated the IPR on May 13, 2025 without issuing a final written decision.

In *IPR2026-00088*, Amazon.com Services, LLC and Amazon Web Services, Inc. (collectively, "Amazon") filed a petition for *inter partes* review of claims 1-15 of the '192 Patent on November 10, 2025. Although the IPR presented grounds with respect to claims 4, 8 and 14 based on the Ellison, Rakic and Gellens patents respectively which patents are also presented in the instant reexamination of claims 4, 8 and 14, i.e. SNQ 5, SNQ 7 and SNQ 8 above, none of those SNQs in the current Request are based on the identical prior art combinations/teachings as were presented in this prior IPR. Furthermore, decision on the petition is pending at the time of this order.

In *IPR 202600154*, Target Corporation filed a petition for *inter partes* review of claims 1-15 of the '192 Patent on November 25, 2025. Although the IPR presented grounds with respect to claims 4, 8 and 14 based on the Ellison, Rakic and Gellens patents respectively which patents are also presented in the instant reexamination of claims 4, 8 and 14, i.e. SNQ 5, SNQ 7 and SNQ 8 above, none of those SNQs in the current Request are based on the identical prior art combinations/teachings as were presented in this prior IPR. Furthermore, decision on the petition is pending at the time of this order.

Accordingly, the comparison between the prior IPR petitions and the current request respectively filed by Samsung, Amazon and Target indicates that the none of the grounds asserted as raising an SNQ in the current Request are based on the identical prior art combinations as were previously presented in the prior IPR.

Further, a review of the teachings of in the new prior art combinations and the accompanying arguments in the current Request, indicates that the new prior art combinations presented in the Request contain new teachings directed the claims of the of the patent.

Since neither the art nor arguments presented in the current Request are the same nor substantially the same as those previously presented to the Office, the statutory threshold permitting the Director to exercise discretion as to whether to Order reexamination under 35 USC 325(d) has not been met.

Thus, *Ex Parte* reexamination is Ordered based on the determination above that the current Request raises an SNQ to at least one claim of the '192 patent.

Conclusion

Accordingly, as a substantial new question of patentability is present, reexamination is granted, see MPEP 2242. Claims 1-15 will be reexamined.

Correspondence

All correspondence relating to this *ex parte* reexamination proceeding may be submitted via:

Electronically: Registered users may submit via Patent Center
<https://patentcenter.uspto.gov/>.

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
 Knox Building
 501 Dulany Street
 Alexandria, VA 22314

For Patent Center transmissions, 37 CFR 1.8(a)(1)(i)(C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4) , and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

/Karin Reichle/
Primary Examiner, Art Unit 3992

Conferee:

/H.B.P/
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Supervisory Patent Reexamination Specialist, Art Unit 3992